

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:05cr103

UNITED STATES OF AMERICA

vs.

JERMAL DANIELS

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ORDER

THIS MATTER is before the Court upon motion of the defendant pro se for the return of certain property seized during the investigation of this case. (Doc. No. 403).

Attached to the defendant's motion are exhibits detailing the property he requests be returned. As to the household and other items listed on North Carolina Department of Revenue inventory sheets, the defendant has not shown that the property is in the actual or constructive possession of the federal government. Therefore, it is not subject to being returned pursuant to Fed. R. Crim. P. 41. Lowrie v. United States, 824 F.2d 827, 829 (10th Cir. 1987). His request for the return of currency is barred by the Court's Order forfeiting \$63,010 seized on or about March 4, 2005, in Charlotte, North Carolina.¹ (Doc. No. 264 at 1).

IT IS, THEREFORE, ORDERED that the defendant's motion is DENIED.

¹ The Order also authorized the forfeiture of \$112,500 in criminal proceeds from the defendant's conspiracy. (Doc. No. 264 at 1).

The Clerk is directed to certify copies of this order to the defendant, counsel for the defendant, and to the United States Attorney.

Signed: September 22, 2011

A handwritten signature in cursive script, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.
Chief United States District Judge

